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Docket No. WELD 111 DIV IV

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Prior Application:

Examiner: S. Gilbert

Art Unit: 3736

jc588 U.S. PRO
12/21/99/468496
12/21/99

Name ARMANDO CHIEN
(typed or printed)

Signature armando chi

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is a request for filing a [] continuation
[X] divisional application of pending prior application Serial No.
08/897,358 filed on July 21, 1997, which is a continuation of
Serial No. 08/330,327 filed on October 27, 1994, for METHOD AND
APPARATUS FOR TREATING A DESIRED AREA IN THE VASCULAR SYSTEM OF A
PATIENT.

1. Enclosed is a copy of the prior application, including
the oath or declaration as originally filed.

I hereby verify that the attached papers are a true copy
of prior application Serial No. 08/330,327 as originally
filed on October 27, 1994 and further that this statement
is made with the knowledge that willful false statements
and the like so made are punishable by fine or
imprisonment, or both, under Section 1001 of Title 18 of
the United States Code and that such willful false

statements may jeopardize the validity of the application or any patent issuing thereon.

2. [X] The filing fee is calculated below pursuant to the claims as filed in the prior application:

- [] less any claims canceled by Amendment below.
- [X] after entering the attached Preliminary Amendment.

[X] Small Entity

| For | Number Filed | Number Extra | Rate | Fee |
|---|--------------|--------------|--------|-----------------|
| Total Claims | 12 | - | x \$ 9 | \$ - |
| Independent Claims | 4 | 1 | x \$39 | \$ 39.00 |
| Multiple Dependent Claims (minimum fee - additional charge may be due under total claim calculation - See 37 CFR §§ 1.16(d) and 1.75(c)) | | | \$130 | |
| Basic Fee (minimum amount required) | | | | \$380.00 |
| Total Filing Fee | | | | \$419.00 |

[] Other than Small Entity

| For | Number Filed | Number Extra | Rate | Fee |
|---|--------------|--------------|--------|-----------------|
| Total Claims | | - | x \$18 | \$ - |
| Independent Claims | | - | x \$78 | \$ - |
| Multiple Dependent Claims (minimum fee - additional charge may be due under total claim calculation - See 37 CFR §§ 1.16(d) and 1.75(c)) | | | \$260 | |
| Basic Fee (minimum amount required) | | | | \$760.00 |
| Total Filing Fee | | | | \$760.00 |

3. [X] The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No. 50/1039. A duplicate copy of this sheet is enclosed.

4. [X] A check in the amount of \$419.00 is enclosed.

5. [] Cancel in this application original claims _____ and _____ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing.)

[X] Enter the enclosed Preliminary Amendment prior to calculating the filing fee.

6. [] Amend the specification by inserting before the first line the sentence: --This is a [] continuation, [X] division, of application Serial No. __ / __, filed ___.--

[X] Amend the specification per the attached Preliminary Amendment.

7. [] Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file. (May only be used if signed by person authorized by 37 C.F.R. § 1.138 and before payment of base issue fee.)

New formal drawings are enclosed.

Informal drawings are enclosed.

8. Priority of application serial no. _____

filed on _____ in _____

is claimed under 35 U.S.C. § 119.

The certified copy of the priority application has been filed in prior application serial no. _____
_____, filed _____.

9. With respect to the prior co-pending U.S. application from which this application claims benefit under 35 U.S.C. § 120 the inventor(s) in this application are:

a. the same.

b. less than those named in the prior application and it is requested that the following inventor(s) for the prior application be deleted:

Ian R. Crocker, Raphael F. Meloul

10. The inventorship for all the claims in this application is:

a. the same.

b. not the same, and an explanation, including the ownership of the various claims at the time the last claimed invention was made, is submitted.

11. [X] The prior application is assigned of record to
Novoste Corporation.

12. [X] The power of attorney in the prior application is
to: Stephen B. Heller, registration no. 30,181 of
Cook, Alex, McFarron, Manzo,
Cummings & Mehler, Ltd.

200 West Adams Street, Suite 2850

Chicago, IL 60606

a. [X] The power appears in the original papers
in the prior application.

b. [] Since the power does not appear in the
original papers, a copy of the power in
the prior application is enclosed.

c. [X] Address all future communications to:
Stephen B. Heller

Cook, Alex, McFarron, Manzo, Cummings
& Mehler, Ltd.

200 West Adams Street -- Suite 2850

Chicago, IL 60606

Respectfully submitted,

Date: December 21, 1999

Stephen B. Heller
Stephen B. Heller
Registration No. 30,181

COOK, ALEX, MCFARRON, MANZO,
CUMMINGS & MEHLER, LTD.
200 West Adams Street
Suite 2850
Chicago, Illinois 60606
(312)236-8500



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

| | | |
|--------------------|-------------|-----------------------|
| APPLICATION NUMBER | FILING DATE | FIRST NAMED APPLICANT |
|--------------------|-------------|-----------------------|

08/380,327 10/27/94 WAKEMAN

R 94070

COOK, EGAN, NCFARRON & MANZO, LTD.
135 SOUTH LASALLE ST., STE. 4100
CHICAGO, IL 60603

03B1/1206

DATE MAILED:

12/05/24

**NOTICE TO FILE MISSING PARTS OF APPLICATION
FILING DATE GRANTED**

An Application Number and Filing Date have been assigned to this application. However, the items indicated below are missing. The required items and fees identified below must be timely submitted **ALONG WITH THE PAYMENT OF A SURCHARGE** for items 1 and 3-6 only of \$ 171.00 for large entities or \$ 151.00 for small entities who have filed a verified statement claiming such status. The surcharge is set forth in 37 CFR 1.16(e).

If all required items on this form are filed within the period set below, the total amount owed by applicant as a large entity, small entity (verified statement filed), is \$ 144,100.

Applicant is given ONE MONTH FROM THE DATE OF THIS LETTER, OR TWO MONTHS FROM THE FILING DATE of this application, WHICHEVER IS LATER, within which to file all required items and pay any fees required above to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

1. The statutory basic filing fee is: missing insufficient. Applicant as a large entity small entity, must submit \$_____ to complete the basic filing fee.
2. Additional claim fees of \$ 11.16 as a large entity, small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
3. The oath or declaration:
 - is missing.
 - does not cover items omitted at time of execution.

7. The application was filed in a language other than English. Applicant must file a verified English translation of the application and a fee of \$ _____ under 37 CFR 1.17(k), unless this fee has already been paid.

8. A \$ _____ processing fee is required for returned checks. (37 CFR 1.21(m)).

9. Your filing receipt was mailed in error because check was returned without payment.

10. The application does not comply with the Sequence Rules. See attached Notice to Comply with Sequence Rules 37 CFR 1.821-1.825.

11. Other.

*A copy of this notice **MUST** be returned with the response.*